

**BUREAU OF LAND MANAGEMENT  
YUMA FIELD OFFICE  
2555 E. Gila Ridge Rd.  
Yuma, AZ 85365**

**CATEGORICAL EXCLUSION (CX) FORM**

**AZ-320-2005-041**

**Case/Project No.: AZA 33201**

**PROJECT NAME:** APS Horn Substation

**TECHNICAL REVIEW:**

(√)	Program	Reviewer	Signature	Date
	Air Quality			
	ACEC			
√	Botanical including T & E Spp.	K. Reichhardt	/s/ K. Reichhardt	08/22/05
	Communications (Dispatch)			
√	Cultural/Paleontology	S. Arnold	/s/ S. Arnold	08/18/05
	Energy Policy			
	Environmental Justice			
	Farmlands (Prime & Unique)			
	Floodplain			
√	Hazardous Material	S. Fusilier	/s/ S. Fusilier	08/12/05
	Invasive & Non-Native Species			
√	Lands/Realty	V. Briceño	/s/ V. Briceño	08/11/05
	Land Law Examiner			
	Law Enforcement			
	Minerals			
	Native American Religious Concerns			
	Operations			
	Range Management			
	Recreation	R. Morfin	/s/ R. Morfin	08/16/05
	Soils			
	Surface Protection			
	Visual Resources			
	Water Rights			
	Water Quality (Surface & Ground)			
	Wetlands/Riparian Zones			
	Wild & Scenic Rivers			
	Wilderness			
	Wild Horses/Burros			
√	Wildlife including T & E Spp.	K. Reichhardt	/s/ K. Reichhardt	08/22/05

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

Vanessa Briceño  
Realty Specialist

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

Karen Reichhardt  
Acting Planning & Environmental Coordinator

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

Thomas Zale  
Assistant Field Manager

**Name of Project:** APS Horn Substation

**Number:** AZ-320-2005-041

**Case File No.:** AZA 33201

**Location (legal description):**

Right-of-Way Grant application, AZA 33201, affects the following public lands: NE¼ (within), sec. 5, T. 6 S., R. 12 W., Gila and Salt River Meridian, Yuma County, Arizona. The area described contains 0.918 acres approximately.

**Applicant:** Arizona Public Service Company

**Description of Proposed Action:**

On May 20, 2005, we received a right-of-way application from Arizona Public Service Company to renew the right-of-way for an existing electric substation, approximately 200 feet wide by 200 feet long. On August 3, 2005, the above mentioned right-of-way grant, AZAR 09323, expired. The previously authorized right-of-way was granted under the Act of March 4, 1911 (36 Sta. 1253: 43 U.S.C. 961), and will now be issued pursuant to Title V of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761), and all applicable regulations contained in Title 43 Code of Federal Regulations part 2800. The right-of-way grant would be issued for a 20-year term with the right to renew. This proposed action would not involve new construction and surface disturbance. Maintenance of the electric substation site would occur as needed within the right-of-way area. If land outside the area were needed for maintenance, a short term right-of-way would need to be requested.

**Categorical Exclusion Reference:**

Right-of-Way Grant Application, AZA 33201: 516 DM 6, Appendix 5.4: E(9) –Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations. E(11) –Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA section 302(b) leases where no new facilities or other changes are needed.

**Required Stipulations:**

1. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
2. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
3. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.

4. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, B, C, and D dated August 23, 2005, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
5. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
6. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
7. The holder shall conduct all activities associated with the construction, operation and termination of the right-of-way within the authorized limits of the right-of-way.
8. Ninety (90) days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
9. The holder shall meet Federal, State, and local emission standards for air quality.
10. Construction-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. Authorized roads used by the holder shall be rehabilitated or maintained when construction activities are complete as approved by the authorized officer.
11. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
12. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
13. If in connection with operations under this authorization, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the holder shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder shall continue to protect the immediate area of the discovery until notified by the authorized officer that operations may resume.
14. The holder shall clean off-road equipment (power or high-pressure cleaning) of all mud, dirt, and plant parts prior to moving equipment onto public land authorized under this grant.

15. Gravel and/or fill material to be placed in relatively weed-free areas must come from weed-free sources.
16. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operation, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
17. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.
18. The holder shall inform the authorized officer within 48 hours of any accidents on Federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.
19. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. (A regular maintenance program shall include, but is not limited to, blading, ditching, culvert installation, and surfacing.)
20. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
21. The holder shall furnish and apply water or other means satisfactory to the authorized officer for dust control.
22. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
23. Unless otherwise agreed to by the authorized officer in writing, powerlines shall be constructed in accordance to standards outlined in "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996," Avian Power Line Interaction Committee (APLIC), the Edison Electric Institute, and the Raptor Research Foundation, Inc., 1996. The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "eagle safe." Such proof shall be provided by a raptor expert approved by the authorized officer. The BLM reserves the right to require modifications or additions to all powerline structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States.

24. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.

**Compliance and Monitoring Responsibility:** YFO, Lands

Compliance inspections would be conducted regularly to verify that the holder complies with the stipulations, terms and conditions set forth in right-of-way grant AZA 33201.

**Decision:**

BLM has determined that the proposal conforms to the land use plan, is in accordance with the categorical exclusion criteria, and that it will not involve any significant adverse environmental effects. Therefore, it is categorically excluded from further environmental review. The Proposed Action will have no effect on the President's Energy Policy and a Statement of Adverse Energy Impact is not required. The proposed action will be implemented subject to the stipulations within the authorizing document.

Approved by: \_\_\_\_\_  
Rebecca Heick  
Yuma Field Manager

Date: \_\_\_\_\_

**Categorical Exclusion Review**

Department of the Interior Departmental Manual 516 2.3.A(3) provides for a review of the following categorical exclusion criteria to determine if exceptions apply to this project. The following exceptions apply to individual actions within categorical exclusions (CX). Environmental documents must be prepared for actions which may:

<b>CRITERIA</b>	<b>YES</b>	<b>NO</b>
1 Have significantly adverse effects on public health or safety.	_____	__X__
2 Have adverse effects on such unique geographic characteristics as historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or main drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks.	_____	__X__
3 Have highly controversial environmental impacts.	_____	__X__
4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	__X__
5 Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.	_____	__X__
6 Are directly related to other actions with individually insignificant but cumulatively significant environmental effects.	_____	__X__
7 Adversely affect on properties listed or eligible for listing on the National Register of Historic Places.	_____	__X__
8 Adversely affect species listed or proposed for listing on the List of Endangered or Threatened Species, or adversely affect designated critical habitat for these species.	_____	__X__
9 Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.	_____	__X__
10 Threaten to violate a Federal, State, local, or tribal law or requirements imposed for protecting the environment.	_____	__X__